

IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

_____ day _____, 20__

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

**RESOLUTION AFFIRMING THE DECISION OF THE
HEARING OFFICER AND CONDITIONALLY APPROVING
THE APPLICATION OF CORRAL DE PIEDRA LAND COMPANY (WASTE
CONNECTIONS, INC.) FOR MINOR USE PERMIT DRC 2012-00030**

The following resolution is now offered and read:

WHEREAS, on February 15, 2013, the Zoning Administrator of the County of San Luis Obispo (hereinafter referred to as the “Hearing Officer”) duly considered and conditionally approved the application of Corral de Piedra Land Company (Waste Connections, Inc.) for Minor Use Permit DRC 2012-00030; and

WHEREAS, the applicant, Corral de Piedra Land Company (Waste Connections, Inc.) has appealed the Hearing Officer’s decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the “Board of Supervisors”) pursuant to the applicable provisions of Title 22 of the San Luis Obispo County Code; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on April 2, 2013, and a determination and decision was made on April 2, 2013; and

WHEREAS, at said hearing, the Board of Supervisors heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said appeal; and

WHEREAS, the Board of Supervisors has duly considered the appeal and finds that the appeal should be denied and the decision of the Hearing Officer should be affirmed subject to the findings and conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth hereinabove are true, correct and valid.

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2. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.

3. That this project is found to be exempt from the provisions of the California Environmental Quality Act pursuant to Section 15061(b)(3)(general rule exemption) of Title 14 of the California Code of Regulations.

4. That the appeal filed by Corral de Piedra Land Company (Waste Connections, Inc.) is hereby denied and the decision of the Hearing Officer is affirmed, and that the application of Corral de Piedra Land Company (Waste Connections, Inc.) for Minor Use Permit DRC 2012-00030 is hereby approved subject to the conditions of approval set forth in Exhibit B attached hereto and incorporated by reference herein as though set forth in full.

Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing resolution is hereby adopted.

Chairperson of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

[SEAL]

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APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL
County Counsel

By: 
Deputy County Counsel

Dated: March 19, 2013

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STATE OF CALIFORNIA,)
) ss
County of San Luis Obispo)

I, _____, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this _____ day of _____, 2013.

County Clerk and Ex-Officio Clerk of the
Board of Supervisors

(SEAL)

By: _____
Deputy Clerk

EXHIBIT A - FINDINGS

Environmental Determination

- A. This project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The project will use existing structures on a property that were previously used for administrative offices, a steel tank manufacturing company and outdoor storage yard. The property is zoned Industrial which allows the type of activity proposed. The area is adjacent to the San Luis Obispo County Regional Airport with several Commercial Service/Industrial businesses in close proximity to the project site. No significant visual impacts are expected because the project is located in an industrial land use category and does not involve any new construction beyond improvements to existing buildings to bring the buildings up to Uniform Building Code and provide for a meeting/breakroom for truck drivers. No significant impacts to air quality are expected because the proposal involves combining two separate garbage company sites; one in the City of San Luis Obispo, and one in Grover Beach, into one location. No new vehicle trips will be added and the majority of trips are off-peak hour. The City of San Luis Obispo, County Public Works and CalTrans were contacted regarding the project and they have no significant concerns with traffic and the proposed circulation routes (east on Buckley Road to Highway 227 - no truck access to Vachell Lane or Old Santa Fe Road from Buckley Road). The project site will be covered by an industrial Stormwater Pollution Prevention Plan (SWPPP). This plan will cover drainage and provide measures to manage stormwater on the site. Noise generated by the proposed use are not considered significant given the adjacent airport that operates 24 hours a day, seven days a week and there are other industrial uses in the vicinity. The project is conditioned to comply with all applicable laws and regulations that will address any potential concerns.) It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA. (CEQA Guidelines §15061(b)(3).)

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the outdoor storage yard and offices for a solid waste disposal company does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the outdoor storage yard and offices for a solid waste disposal company is similar to, and will not conflict with, the surrounding lands and uses and because the project is conditioned to address neighborhood concerns regarding noise from returning trucks in the afternoon.

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- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project is located on Old Santa Fe Road, a local road constructed to a level able to handle any additional traffic associated with the project.

Adjustments

- G. Modification of the fencing/screening standards required by Land Use Ordinance Section 22.10.080 is justified because characteristics of the site and abutting uses would make the required fencing/screening unnecessary and ineffective. This situation exists, because:
- a. *Adjacent to the airport* – The project site abuts the County Airport on its northerly and westerly property boundaries. Solid fencing constructed at a height of 6 feet at the property line would be ineffective in screening the project site from the uses occurring at the County Airport (i.e. approaching and departing airplanes). Screening with tall, dense, evergreen vegetation would be infeasible as the vegetation would need to be planted within the Runway Protection Zone (RPZ), and this would pose potential conflicts with the Airport Land Use Plan and Airport Master Plan which encourage retaining compatible open space within the RPZ.

EXHIBIT B - CONDITIONS OF APPROVAL
Minor Use Permit DRC2012-00030 (Waste Connections, Inc.)

Approved Project/Development

1. This approval authorizes:
 - a. The use of an existing 39, 950 square foot outdoor storage yard for consolidation of San Luis Garbage and South County Sanitary waste collection services. The project does not involve the construction of any new buildings, but will include the remodel of the existing structures to meet current building codes and tenant improvements for the proposed uses.
 - b. The owner's garbage trucks shall use Old Santa Fe Road, Hoover Avenue and Buckley Road to access State Highway 227 for north and south routing when in the course of normal business operations. In addition, trucks shall not use Los Osos Valley Road (LOVR) or the interchange at US 101/LOVR as an access corridor and shall instead use the Prado Road on-ramp for northbound traffic. Truck entering US 101 southbound or exiting US 101 northbound should use the South Higuera Street on/off ramp or HWY 227 south to US 101. Trucks exiting US 101 southbound shall use the Madonna Street exit or South Higuera Street interchange for access. Vachell Lane/South Higuera Street shall not be used by the garbage trucks during normal business operations.
 - c. Garbage truck traffic routes will be limited regarding afternoon ingress/return entry back onto the site. Afternoon garbage trucks returning to the site are limited to use of the southern entrance access point. The southern access point is located at the southern end of the site at Old Santa Fe Road. Afternoon garbage truck access is prohibited at the northern access point to the site. Morning garbage truck traffic shall utilize the northern access point to exit the site, located at the north eastern portion of the property at the cul de sac on Old Santa Fe Road.
 - d. Modification to the requirement for solid fencing around the perimeter of the project site. This modification would allow the existing chain link fencing to remain and would not require fencing to be installed at the shared property line of the two parcels that together make up the project site.

Conditions required to be completed at the time of application for construction permits

Site Development

2. **At the time of application for construction permits**, plans submitted shall show all development consistent with the approved site plan.

Fire Safety

3. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to, those outlined in the Fire Safety Plan prepared by Cal Fire for this proposed project.

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Fees

4. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.

Conditions required to be completed prior to establishment of use

5. **Prior to establishment of the use**, the applicant shall provide a landscape plan for review and approval by the Planning Department in accordance with Chapter 22.16 of the Land Use Ordinance. The plan, at a minimum, shall include planting and maintaining street trees along the Old Santa Fe Road frontage facing south, and replacing groundcover along this frontage that is not adequately established. Landscaping in accordance with the approved landscaping plan shall be installed before **establishment of the use**. All landscaping shall be maintained in a viable condition in perpetuity.
6. **Prior to establishment of the use**, the applicant shall provide details on any proposed exterior lighting. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored. The lighting plan shall be reviewed and approved by the Airport Manager.
7. **Prior to establishment of the use**, the applicant shall provide a site plan showing the location and design of the trash enclosure pursuant to Section 22.10.150 of the Land Use Ordinance.
8. **Prior to establishment of the use**, the applicant shall remedy any ordinance and/or building code inconsistencies (i.e. landscaping improvements and condition of existing exterior lighting) to the satisfaction of the Department of Planning and Building
9. **Prior to establishment of the use**, the applicant shall provide bicycle racks to accommodate a minimum of five bicycles.

Services

10. **Prior to establishment of the use**, the applicant shall submit evidence that there is adequate water to serve the proposal, on the site.
11. **Prior to establishment of the use**, the applicant shall submit evidence that a septic system, adequate to serve the proposal, can be installed on the site.

Fees

12. **Prior to issuance of occupancy permits at a date to be determined by the Public Works Director of the City of San Luis Obispo**, the project applicant shall pay the following traffic/transportation impact fees and calculated by the City of San Luis Obispo:
 - a. The projects fair share of the Citywide Transportation Impact Fee
 - b. The Project's fair share of the City Airport Area Specific Plan Add on Fee
 - c. The Projects fair share of the City Los Osos Valley Road Interchange fee which includes necessary improvements to Higuera at LOVR.

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The fees shall be paid to the City of San Luis Obispo Public Works Department and shall be pro-rated to reflect the difference in land use intensity proposed by the project and netted for prior use on the subject property. The City is an intended third-party beneficiary to this condition and may directly enforce the terms of this condition against the applicant.

Avigation Easement

13. **Prior to establishment of the use**, the property owner shall grant an avigation easement to the County of San Luis Obispo. The avigation easement document shall be prepared, reviewed and approved by County Counsel.

Trip Reduction Plan

14. **Prior to establishment of the use**, the applicant shall provide a transportation management plan that outlines strategies for reducing vehicle trips for the project. The plan shall also identify a staff person responsible for implementing the plan.

Hazardous Materials Business Plan

15. **Prior to establishment of the use**, the applicant shall amend their existing Hazardous Materials Business Plan. This plan will, at a minimum, need to change the regulatory authority from the City of San Luis Obispo, to the County of San Luis Obispo Environmental Health Department.

Conditions required to be completed prior to final inspection or occupancy

16. **Prior to occupancy or final inspection**, whichever occurs first, the applicant shall obtain final inspection and approval from Cal Fire of all required fire/life safety measures.
17. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

On-going conditions of approval (valid for the life of the project)

18. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
19. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.
20. Per Land Use Ordinance standards, annual inspection and maintenance of septic systems is required. The applicant shall provide the Department of Planning and Building an annual report outlining the maintenance schedule for the wastewater system serving the project site.

Indemnification Clause

21. The applicant shall as a condition of approval of this Minor Use Permit application defend, at his sole expense, any action brought against the County of San Luis Obispo, its present or former officers, agents, or employees, by a third party challenging either its decision to approve this Minor Use Permit or the manner in which the County is interpreting or enforcing the conditions of this Minor Use Permit, or any other action by a third party relating to approval or implementation of this Minor Use Permit. The applicant shall reimburse the County for any court costs and attorney fees that the County may be required by a court to pay as a result of such action, but such participation shall not relieve the applicant of his obligation under this condition.